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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,573

02/19/2004

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SUITE 700

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EXAMINER

MEDE, ESTEVE

ART UNIT

PAPER NUMBER

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/780,573

Applicant(s)

SASAKURA ET AL.

Examiner

Esteve Mede

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/19/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Claim Objections***

1. **Claim 1** objected to because of the following informalities: in claim 1, line 4 and claim 3, line 2 the term "an unique data" should be --a unique data--; claim 1, line 6 the term "information of computer" should be --information of the computer--; claim 1, line 3 the term "each computer" should be --each one of the computers--; claim 2, line 1 the word "claims" should be --claim--; claim 3, line 4 the term "indicating a user" should be --indicating the user--; in claim 4, line 2 the term "store unique data" should be --store the unique data--; claim 5, line 5 the term "in at least" should be --in the at least--; claim 6, line 6 the term "store information" should be --store the information--; claim 8, line 3 the term "receiving, from an external computer, unique data which uniquely identify said external computer" should be --receiving from an external computer a unique data, which uniquely identify said external computer--; claim 8, line the term "said received unique data and unique user data, stored in a user information storage section" should be --said received unique data and unique user data stored in a user information storage section; claim 8, line 6 the term "data indicating" should be --said data of external computer and user indicating--; claim 8, line 7 the term "to each unique data for each unique data" should be --to each unique data of the external computer for each unique data of the user; claim 12, line 2 the term "information of computer" should be --information of the computer--. Appropriate correction is required.

2.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 6, 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 8** as claimed "receiving, from an external computer, unique data which uniquely identify said external computer; and authorizing a user on the basis of said received unique data and unique user data, stored in a user information storage section, data indication the user who can use said external computer corresponding to each unique data for each unique data" cannot be ascertained because the specification fails to disclose which data is indicating the user who can use the external computer.

For the purpose of examining the merits of claim 8 in light of the specification the claim terminology has been interpreted as meaning the data of the external computer and the data of the user. And the terminology of "corresponding to each unique data for each unique data" will be interpreted as meaning to each unique data of the external computer for each unique data for the user.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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**Claim 1-3, 5-8, 10-11 and 13** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 is directed towards an authorization device comprising, a computer information storage, which store unique information of a client computers, receiving data section to receive unique data corresponding to the data to the computers, and a search section to search information regarding the computers. In order for a claimed invention to be statutory, it must result in useful, concrete and tangible results. In this instance there is no result of the claimed invention as claimed; the mere act of having a searching section to search for unique information regarding computers, determining whether communication with external computer is possible, authorizing a user on the basis of said received unique data and unique user data, stored in information storage section, does not result in any real word change as it does not cause any action outside the claimed invention. Therefore the methods as claimed do not cause any tangible output result.

Dependent claims 2, 7 and 12 are rejected for being dependent upon rejected claim 1 and 6 for failing to meet statutory requirements of the base claim1.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-14** are rejected under 35 U.S.C 102 (b) as being clearly anticipated by Sekiyama et al. (2002/0029336 A1).

**Regarding claim 1** Sekiyama discloses a computer information storage section to store information of computers for each computer including unique data, which uniquely identify each of the computers (para. 0012, lines 2-6; para. 0035, lines 1-3); an unique data receiving section to receive, from said computers, said unique data of the computers (para. 0015, lines 4-6); a computer searching section to search said information of computer corresponding to said received unique data from said computer information storage section (the prior did not use the term a computer searching section, however the information is being stored in a database therefore, for the information be retrieve it must first be searched. A computer search section is an intrinsic property of retrieving data in a database (para. 0015, lines 6-8)).

**Regarding claim 2** Sekiyama discloses the authorization device a communication determining section to determine whether particular communication with said computers is possible or not depending on said information of the computers (the prior art did not use the term a communication determining section, however the prior uses the term confirm, to establish what is if the server will be able communicate with the client (para. 0037, lines 10-13; para. 38, lines 25-30)).

**Regarding claim 3** Sekiyama discloses a unique data receiving section to receive, from computers, unique data, which uniquely said computers (para. 0015, lines 4-6); a user information storage section to store unique user data indicating a user who can use one of said computers corresponding to said each unique data

(para. 0035, lines 1-5; para. 0037, lines 10-15); an authorization section to authorize the user on the basis of said unique data received by said unique data receiving section and said unique user data stored in said user information storage section (para. 0041, lines 1-8).

**Regarding claim 4** Sekiyama discloses a computer comprising, a unique data storage section to store unique data identifiable computers (para. 0014, lines 8-14; para. 0012, lines 2-6; para. 0035, lines 1-3); an external reference storage region, which can be referenced by external computers (para. 0037, lines 1-4; para. 0047, lines 3-10); a unique data copying section to copy said unique data stored in said unique data storage section to said external reference storage section (para. 0014, lines 8-14; para. 0026, lines 11-15); a unique data transmitting section to transmit said unique data stored in said external reference storage region to the external computers (para. 0015, lines 1-11; para. 0024, lines 1-6; para. 0026, lines 11-15).

**Regarding claim 5** Sekiyama discloses communication between server and clients comprising, a unique data storage section included in at least one of said clients to store unique data, which uniquely identify clients (0014, lines 8-14); a unique data transmitting section included in at least one of said clients to transmit said unique data to the server (para. 0015, lines 1-11; para. 0024, lines 1-6; para. 0026, lines 11-15); a client information storage section included in said server to store information of said client for said each unique data (para. 0012, lines 2-6; para. 0011, lines 2-9); a unique data receiving section included in said server to receive said unique data (para. 0005, lines 1-7); a client searching section included in said server to search information of

said client corresponding to said received unique data on the basis of said client information storage section for authorizing communication between the server and the clients based on said information of the clients (para. 0015, lines 2-8; para. 0038, lines 5-10; para. 0037, lines 10-15).

**Regarding claim 6** Sekiyama discloses a computer-readable medium comprising, receiving, from an external computer, unique data, which uniquely identify said external computer (0015, lines 1-7); searching information of said computer corresponding to said received unique data from a computer information storage section to store information of the external computer for each unique data (para. 0005, lines 1-7; para. 0037, lines 10-15).

**Regarding claim 7** Sekiyama discloses a computer-readable medium comprising, determining whether communication with said external computer is possible or not depending on said information of said external computer (para. 0037, line 10-15).

**Regarding claim 8** Sekiyama discloses a computer-readable medium storing comprising, receiving, from an external computer, unique data, which uniquely identify said external computer (para. 0015, lines 1-7); authorizing a user on the basis of said received unique data and unique user data, stored in a user information storage section, data indicating the user who can use said external computer corresponding to each unique data for each unique data (para. 0041, lines 1-8).

**Regarding claim 9** Sekiyama discloses a computer readable medium comprising, reading unique data, which uniquely identify computers from a unique data



storage section storing said data (para. 0030, line 1-6); copying said unique data to an external reference storage region, which can be referenced from external computers (see abstract; para. 011, lines 2-6).

**Regarding claim 10** Sekiyama discloses a unique data receiving section to receive, from a computer, unique data, which uniquely identify said computer (para. 0012, lines 2-6); an authorizing section to authorize said computer on the basis of said received unique data (para. 0014, lines 10-14).

**Regarding claim 11** Sekiyama discloses an authorization method comprising, receiving from external computer, unique data, which identify said external computer (para. 0012, lines 2-6); searching information of said external computer corresponding to said received unique data from a computer information storage section to store information of the external computer for each unique data (para. 0041, lines 1-8).

**Regarding claim 12** Sekiyama discloses the authorization device wherein said information are information of model of said computer for identifying function of said computer (the prior art does not say that computer information are information model of the computer, however every device produced by a manufacturer have its own information that correspond to the device, on page 5, para. 31 as admitted by applicant "A PCID 203 is an identifier for determining the personal computer 11 and is stored within the BIOS 202. The PCID 203 is considered to be stored in the format of the serial number, model name or type of the personal computer 11. The PCID 203 is stored within the ROM, which disables a reprogramming operation, but it may be stored in the reprogrammable storage region with use of the falsification-preventing

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technology. In this embodiment, the PCID 203 is stored in the non-reprogrammable ROM with recording of the serial number of the personal computer 11". In this instance the product manufacturers configure the BIOS, not to be reprogrammable, therefore any web-server will be able to obtain whatever the manufacturer has set as the identification of the computer in BIOS when a request is sent for the terminal to render its unique identity (para. 0033, lines 1-5).

**Regarding claim 13** Sekiyama discloses wherein the said external reference storage region is an area storing cookie information (0037, 1-4; 0026, lines 11-15).

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esteve Mede whose telephone number is 571-270-1594. The examiner can normally be reached on Monday thru Friday, 8:30-5:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Esteve Mede  
EM  
February 6, 2007

FRANTZ JULES  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz Jules', is written over the printed name and title.